

## REMARKS

The instant Amendment is in response to a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued September 3, 2009 (the Notice). In the Notice, the Examiner asserted that the statement "5 C-terminal amino acids" in part <223> of each listed sequence listed in the Sequence Listing presently in the instant Application is insufficient, and required the source of the genetic material be given.

In response, the Substitute Sequence Listing recites "5 C-terminal amino acids of human G protein alpha-subunits" in part <223> for each listed sequence, which clearly sets forth the origin of each sequence, i.e. *Homo sapiens*. Support for the Substitute Sequence Listing can readily be found in lines 5-12 and Table 1 on Page 17 of the instant Specification, where it is stated:

Introducing the transplants into YLJ21 and YSG13:

Starting from the strains YLJ21 and YSG13, the last 5 amino acids of the yeast G protein  $\alpha$ -subunit Gpa1 in the yeast genome were finally replaced by the last 5 amino acids of the human G protein  $\alpha$ -subunits. For this purpose, for example for constructing the yeast strain YEW3, the plasmid GPA1-C5-Galpa q integration was cut with SacI and transformed into yeast strain YLJ21. Selection was carried out on SC/Gluc-Trp medium. The other transplants were integrated in the same way. Table 1 lists the various transplants and yeast strains derived therefrom.

Table 1: G protein transplants

GPA1/GαX transplant	Represents human G protein α-subunit	5 C-terminal amino acids	<i>FUS1</i> promoter	<i>YNL279w</i> promoter
GPA1	-	KIGII	YLJ21	YSG13
i1	t, i1, i2	DCGLF	YEW11	YEW25
i3	i3	ECGLY	YEW7	YEW21
o	o1, o2	GCGLY	YEW8	YEW22
z	z	YIGLC	YEW12	YEW26
q	q, 11	EYNLV	YEW3	YEW17
14	14	ENFLV	YEW6	YEW20
16	15, 16	EINLL	YEW2	YEW16
12	12	DIMLQ	YEW13	YEW27
13	13	QLMLQ	YEW14	YEW28
s	s1, s2	QYELL	YEW1	YEW15

Thus, the insertion of the Substitute Sequence Listing into the instant Application introduces no new matter.

#### ***Fees***

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

## CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and reconsideration and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

/William C. Coppola/  
William C. Coppola  
Registration No. 41,686

SANOFI-AVENTIS U.S. INC.  
1041 ROUTE 202-206  
MAIL CODE: D303A  
BRIDGEWATER, NJ 08807

DOCKET NUMBER: DEAV2002/0051 US NP



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10625,085 07/23/2003

Sabine Gratzner

DEAV2002/0051US NP

5941

SAB 7540 09/03/2009  
ANDREA Q. RYAN  
SANOFI-AVENTIS U.S. LLC  
1041 ROUTE 202-206  
MAIL CODE: D303A  
BRIDGEWATER, NJ 08807

EXAMINER

JOHKE, MICHELLE K

ART UNIT

PAPER NUMBER

1636

NOTIFICATION DATE

DELIVERY MODE

09/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatent.E-Filing@sanofi-aventis.com  
andrea.ryan@sanofi-aventis.com

Application/Control Number: 10/625,085

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Art Unit: 1636

Continuation of Notice to Comply.

The Sequence listing could not be accepted. Please see notice in PAIR.

## Notice to Comply

Application No.  
10625085

Applicant(s)  
GRATZER ET AL.

Examiner  
MICHELE K. JOIKE

Art Unit  
1636

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
For CRF Submission Help, call (571) 272-2510  
Patentin Software Program Support  
Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845  
Patentin Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

/Michele K. Joike/  
Examiner, Art Unit 1636



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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APPLICATION NO./CONTROL NO. 10625085	FILING DATE 7/23/2003	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION GRATZER ET AL.	ATTORNEY DOCKET NO. DEAV2002/0051US NP
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EXAMINER MICHELE K. JOIKE
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ART UNIT 1636	PAPER 20090826
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## DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. § 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R., §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
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3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:  
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401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Michele Joike at telephone number (571)272-5915. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on 571-272-0951.

/Michele K. Joike/  
Examiner, Art Unit 1636